

The Hon Judge Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BARBARA I. ROBBINS, a single person,

Plaintiff,

vs.

WAL-MART STORES, INC., a Delaware
corporation, BRUNSWICK
CORPORATION, a Delaware corporation,

Defendants.

Cause No. **CV4 5469 RJB**

**STIPULATION AND ORDER
CONTINUING TRIAL AND
RESETTING PRETRIAL DATES**

STIPULATION

THE Plaintiff advise the court that the Plaintiff has recently received treatment for the continuing problems she has had with her right shoulder, arm, wrist and hand (all of which were injured in the accident which gives rise to this lawsuit), including an MRI and Physical Therapy. The doctor, which the Plaintiff has been treating with, has advised her that, notwithstanding the improvement, in ROM and strength and the more regular use of her right arm, that she may receive from the physical therapy, that she will have to have surgery on her right shoulder. The procedure will be either arthroscopic surgery or potentially a prosthetic / shoulder replacement surgery, neither

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1 of which procedures would be completed before the mid to latter part of September
2 2005.

3 Though the Defendants do not stipulate or agree that the Plaintiffs current
4 physical problems are causally related to the accident which is the impetus for this
5 lawsuit and reserve the right to challenge such "causation", nevertheless, based on
6 the Plaintiff's continuing treatment and likely need for surgery, which would occur
7 shortly before the currently scheduled trial date, and as a mediation should still take
8 place before both sides incur the costs of experts and further discovery, following the
9 Plaintiff's course of additional treatment, the parties agree that the trial date should be
10 continued not less than ninety (90) but not more than one-hundred eighty (180) days
11 from the current date set for trial (October 17, 2005).

12 The parties request that the Court continue the trial date (with the below
13 proposed date of MAY 8, 2006 being the first available "first set" according to the
14 Court's present trial calendar, which also works for both parties' counsel's trial
15 schedules) and adjust the other dates as set forth in the proposed order. The parties
16 agree that discovery of the additional facts relating to the Plaintiff's continuing
17 treatment, should be able to be completed during that timeframe and the parties will
18 cooperate with discovery.

19
20 Agreed to this 2nd day of **AUGUST, 2005.**

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By: s/ _____
Klaus O. Snyder, WSBA# 16195
Attorneys for Plaintiff

By: s/ _____
Roy Umlauf, WSBA# 15437
Attorneys for Defendants

ORDER

This having come before the Court on the stipulation of the parties, the Court finds that there is good cause to continue the trial date and extend the dates to allow the time for the Plaintiff's continuing medical treatment/surgery and recovery from such treatment, and to allow the parties to still participate in mediation. The Court agrees that the following new dates are set, amending the previous case scheduling order.

FIVE-DAY JURY TRIAL set for 9:30 a.m. on	May 8, 2006
Disclosure of expert testimony under FRCP 26(a)(2)	March 10, 2006
All motions related to discovery must be FILED by	February 24, 2006
Discovery COMPLETED by	February 28, 2006
All dispositive motions must be FILED by	March 17, 2006
Mediation per CR 39.1(c)(3) HELD no later than	February 17, 2006
Settlement conference per CR 39.1(c)(2) HELD no later than	March 24, 2006
Letter of compliance as to CR 39.1 FILED by	April 5, 2006
A roster of Local Rule 39.1 mediators can be located on the Internet at www.wawd.uscourts.gov . If you do not have access to the Internet, please contact the Clerk's Office at 253-593-6581	

Motions in limine should be FILED by	April 11, 2006
And NOTED on the motion calendar no later than the second Friday thereafter	
Agreed pretrial order LODGED with the Court by	April 21, 2006
Pretrial conference will be HELD at 8:30 a.m. on	April 28, 2006
Trial briefs, proposed voir dire and jury instructions due	April 28, 2006

SIGNED this 30th day of August, 2005.



ROBERT J. BRYAN
United States District Judge

Submitted By:

SNYDER LAW FIRM

By: s/_____
Klaus Snyder, WSBA #16195
Attorneys for Plaintiff

FORSBERG & UMLAUF, P.S.

By: s/_____
Roy Umlauf, WSBA #15437
Attorneys for Defendants

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